

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 2, 2006. Applicants appreciate the Examiner's consideration of the Application. Claims 1-45 are pending. Claims 1-8, 10-22, 24-36, and 38-43 are rejected, Claims 44 and 45 are allowed, and Claims 9, 23, and 37 are objected to. Claims 9, 23, and 37 have been amended. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 102(e) Rejection

The Examiner rejects Claims 1, 3-7, 10, 12, 13, 15, 17-21, 24, 26, 27, 29, 31-35, 38, 40, and 41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,400,804 to Bilder ("*Bilder*"). (Office Action, page 2.) Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that *Bilder* fails to disclose, teach, or suggest the elements specifically recited in Applicants' claims. For example, *Bilder* fails to disclose, teach, or suggest "selecting on-hold content for the call based on revenue generation criteria," as recited in independent Claim 1.

The Examiner argues that the passage of *Bilder* at column 4, lines 24-37 teaches "selecting on-hold content for the call based on revenue generation criteria." (Office Action, page 2.) The passage, however, merely states:

The on-hold activities provided to the on-hold party's terminal may be audio, visual, textual or any combination of audio, visual and textual based activities. For example, if the terminal 104 is capable of receiving video and audio transmissions, the on-hold activity may include viewing a video transmission and/or listening to an audio transmission. The on-hold activities may include, for example, listening to music, listening, viewing or reading advertisements, news, sports, graphical presentations, prerecorded video messages, playing video games, browsing the Internet, reading textual messages, and any other type of entertaining and/or informative activity. The activities may be provided from recorded information or may be live feeds from, for example, radio stations, television stations, and the like.

This passage fails to disclose, teach, or suggest "selecting on-hold content for the call based on revenue generation criteria," as recited in Claim 1.

Moreover, in *Bilder*, on-hold activities are selected by a party placed on hold. *Bilder* recites, “The invention provides an on-hold activity selection device and method that permits a party placed on hold to select from a repertoire of activities . . . while being placed on hold.” (*Bilder*, column 1, lines 29-34.) Accordingly, *Bilder* fails to disclose, teach, or suggest “selecting on-hold content for the call based on revenue generation criteria” as recited in Claim 1.

For at least these reasons, Claim 1 and its dependent claims are allowable. For analogous reasons, Claims 15 and 29 and their dependent claims are allowable. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 1, 15, and 29 and all claims that depend on these claims.

Section 103(a) Rejection

The Examiner rejects under 35 U.S.C. § 103(a): Claims 2, 16, and 30 as being unpatentable over U.S. Patent No. 6,400,804 to Bilder (“*Bilder*”) in light of U.S. Patent Application Pub. No. 2004/0128192 to Paluszek et al. (“*Paluszek*”); Claims 14, 28, and 42 as being unpatentable over *Bilder*; and Claims 8, 11, 22, 25, 36, 39, and 43 as being unpatentable over *Bilder* in view of U.S. Patent Application Pub. No. 2003/0112927 to Brown et al. (“*Brown*”). (Office Action, pages 4-6.)

For at least reasons similar to those discussed above, *Bilder*, even in the combinations proposed by the Examiner, fails to disclose, teach, or suggest the elements specifically recited in Applicants’ Claims 2, 8, 11, 14, 16, 22, 25, 28, 30, 36, 39, 42, and 43. Accordingly, Claims 2, 8, 11, 14, 16, 22, 25, 28, 30, 36, 39, 42, and 43 are allowable.

Allowable Subject Matter

Applicants appreciate the Examiner’s allowance of Claims 44 and 45.

The Examiner indicated that Claims 9, 23, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of their base claims and any intervening claims. (Office Action, page 8.) Claims 9, 23, and 37 have been amended to include the limitations of their respective base claims and any intervening claims. Accordingly, Applicants respectfully request allowance of Claims 9, 23, and 37.

CONCLUSION

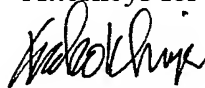
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

The Commissioner is hereby authorized to charge the amount of \$600.00 for the cost of three additional independent claims to Deposit Account No. 02-0384 of Baker Botts L.L.P. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Keiko Ichiye
Reg. No. 45,460
Telephone: (214) 953-6494

KI/ls

Date: August 8, 2006

Correspondence Address:

Customer Number: 05073